

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

LEE HOLDEN PARKER,

Plaintiff,

v.

JOHN EVANS, et al.,

Defendants.

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Case No. 05-cv-783 DRH

ORDER

This matter is currently before the Court on the Plaintiff's Motion in Limine to Deny Defendants' Motion for HIPAA Qualified Protective Order (Doc. 33). For the reasons set forth below, this motion is **DENIED**.

On October 31, 2007, Defendants filed a motion seeking a HIPAA Qualified Protective Order (Doc. 29). The Court granted this request on November 8, 2007, and entered an order finding good cause for limited disclosure of Plaintiff's health information as it relates to this action. The Court ordered Plaintiff's medical records released to Defendants' attorneys for use in this litigation only. The Court further ordered that Plaintiff's health information "shall not be disclosed or revealed to anyone not authorized by this Protective Order (Doc. 30, p. 2)."

Plaintiff argues that his health information is not in issue in the litigation. The Court disagrees. In his complaint, Plaintiff, a self-described "medically designated, custody approved, wheelchair bound inmate," alleges that he was denied a wheelchair by prison personnel. The Federal Rules of Civil Procedure contemplate an extremely broad scope of discovery: "For good cause, the court may order discovery of any matter relevant to the subject matter involved in the action." Fed. R. Civ. P. 26(b)(1). The Rule specifies that "[r]elevant information need not be admissible at the trial if the discovery appears reasonably calculated to lead to the discovery of

admissible evidence.” Id. Information regarding Plaintiff’s status as a “medically designated” wheelchair-bound inmate is relevant to this litigation, even if it may not ultimately be an issue or even admissible at trial.

Accordingly, Plaintiff’s Motion in Limine to Deny Defendants’ Motion for HIPAA Qualified Protective Order (Doc. 33) is **DENIED**.

IT IS SO ORDERED.

DATED: September 17, 2008

s/ Donald G. Wilkerson
DONALD G. WILKERSON
United States Magistrate Judge